

REMARKS**RESTRICTION REQUIREMENT**

The Examiner, in the Restriction Requirement, required election of one of the following groups of claims:

Group I, claims 1-7, 10-11, 14, 19 and 73, drawn to a method of binding or modifying a region of interest in cellular chromatin with a fusion molecule, class 435, subclass 6;

Group II, claims 1, 12, 13, 19-33 and 44-71, drawn to a method of modulating gene expression, class 435, subclass 455;

Group III, claim 72, drawn to a method of producing a fusion polypeptide in a suitable host cell, class 435, subclass 69.1; and

Group IV, claims 34-36 and 40-43, drawn to a fusion molecule and cells comprising said fusion molecule, class 530, subclass 350.

Applicants hereby elect to prosecute the claims of Group IV, claims 34-36 and 40-43, without traverse.

Applicants expressly reverse their right to rejoiner of process claims 1-7, 10-13, 14, 19-33, and 44-73. Furthermore, Applicants expressly reserve their right under 35 USC §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application. Furthermore, should the Examiner instead choose to make this restriction requirement FINAL, Applicants reserve their right, pursuant to 37 C.F.R. §§ 1.144 and 1.181, to petition this requirement at any time during the pendency of this application, prior to appeal.

FILING RECEIPT

Applicants also reiterate their request for a corrected filing receipt and again attach hereto their previous requests for corrected filing receipts (mailed on March 25, 2002 and faxed on April 4, 2003) as well as a status inquiry regarding the March 25, 2002 request for a corrected filing receipt (mailed on October 28, 2002). The correct filing date of this application is October 24, 2001.

Respectfully submitted,

Date: October 12, 2004

By: _____



Dahna S. Pasternak

Registration No. 41,411

Attorney for Applicants

ROBINS & PASTERNAK LLP
1731 Embarcadero Road, Suite 230
Palo Alto, CA 94303
Tel.: (650) 493-3400; Fax: (650) 493-3440

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Atty Dkt No. 8325-0014.20
PATENT



hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

25 March 2002
3/25/02 Susan LaMont
Date Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

WOLFFE et al.

Serial No.: 10/087,902 and 10/084,826

Group Art Unit: Unassigned

Filing Date: October 24, 2001

Examiner: Unassigned

Title: DATABASES OF REGULATORY SEQUENCES; METHODS OF
MAKING AND USING SAME

REQUEST FOR CORRECTED FILING DATE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This application was originally filed October 24, 2001 under Express Mail Label No. EL 873 907 291 US and has been assigned Serial No. 10/084,826, with an incorrect filing date of February 24, 2002. The correct filing date should be October 24, 2001 as evidenced by the attached documents:

1. Copy of Application Transmittal;
2. Copy of Application Title Page;
3. Copy of Original postcard;
4. Copy of Docket Log for October 24, 2001; and
5. Copies of Express Mail Label and Express Mail Corporate Account Statement.

Applicants did not receive the original return postcard (copy of returned postcard date stamp) until March 12, 2002. Therefore, in accordance with the provisions of PTO Notice dated December 20, 2001, "Processing of, and Requirements for, the Filing of

COPY

Duplicate Applications and Papers in Patent Applications in view of USPS Mail Delays” a duplicate copy of the application and associated documents were resubmitted to the U.S. Patent and Trademark Office on March 1, 2002 under Express Mail Label No. EV 081 924 595 US (now assigned Serial No. 10/087,902, filed March 1, 2002). The resubmission of the application documents also contained a request for assignment of the original filing date of October 24, 2001 and enclosed evidence to support the October 24, 2001 filing date.

In view of the supporting documentation, the U.S. Postal Service delays during this time period and the resulting problems in processing Express Mail at the U.S. Patent Office, it is respectfully requested this application (Serial No. 10/084,826) be accorded and is entitled to its original filing date of October 24, 2001.

Respectfully submitted,

Date: March 25, 2002

By: Dahna S. Pasternak
Dahna S. Pasternak
Registration No. 41,411

ROBINS & PASTERNAK LLP
545 Middlefield Road, Suite 180
Menlo Park, CA 94025
Telephone: (650) 325-7812
Facsimile: (650) 325-7823

1
ATTORNEY DOCKET 8325-0014.20 DATE 3/25/02
3/25/02

Request for Corrected Filing Date

Copy of Application Transmittal

Copy of Application Title Page

Copy of Original Postcard

Copy of Docket Log for Oct. 24, 2001

Copies of Express Mail Label and Express Mail Corporate

PAPER: Account Statement; Copies of duplicate filing

transmittal and postcard

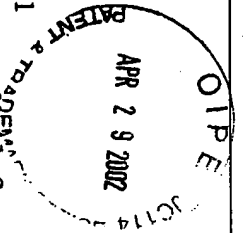
INVENTOR: WOLFFE et al.

SERIAL NO.: 10/087,902 (and 10/084,826)

FILING DATE: October 24, 2001

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY





Original Filing
Oct 24, 2001

Atty Dkt No. 8325-0014.20
Client No. S14-US2

APPLICATION TRANSMITTAL LETTER

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

EL873907305US

Sir:

☒ "Express Mail" Mailing Label No. EL 873 907 305 US, Date of Deposit 24 October 2001.
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

PATRICIA K. HANCOCK
(Typed or Printed Name of Person Mailing Paper or Fee)

Patricia K. Hancock
(Signature of Person Mailing Paper or Fee)

Transmitted herewith for filing is the patent application of Alan P. WOLFFE (deceased), Trevor COLLINGWOOD and Andrew SNOWDEN for TARGETED MODIFICATION OF CHROMATIN STRUCTURE, which is a continuation-in-part of U.S. patent application serial no. 09/844,508, filed April 27, 2001, which in turns claims the benefit of provisional application serial no. 60/200,590, filed April 28, 2000, and of provisional application serial no. 60/228,523, filed August 28, 2000.

Enclosed are:

- ☒ 7 sheets of drawings.
- ☐ A claim for foreign priority under 35 U.S.C. § 119/363 in
___ a separate document ___ the declaration.
- ☒ A claim for priority under 35 U.S.C. § 119(e)(1) in
___ a separate document ☒ the declaration.
- ☐ A certified copy of the priority document.
- ☒ Applicant claims small entity status.
- ☒ paper copy of Sequence Listing
- ☒ Other: Title page; Request to Use Computer-Readable Form from Another Application;
return receipt postcard.

The declaration of the inventor ☒ is enclosed ☒ unsigned.

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The fee has been calculated as follows:

A. Basic Application Fee		\$740
B. Total Claims $73 - 20 = 53$	x \$18	\$954
C. Independent Claims $4 - 3 = 1$	x \$84	\$84
D. If multiple dependent claims present, add	\$280	0
E. Total Application Fee (Total of A, B, C, & D)	=	<u>\$1778</u>
F. If small entity status is claimed, reduce Total Application Fee by 50%		\$889
G. Application Fee Due (E - F)	=	<u>\$889</u>
H. Assignment Recording Fee of \$40.00 if assignment document is enclosed	\$40	<u>NA</u>
I. TOTAL FEE (G + H)		\$889

Respectfully submitted,

Date: Oct 24, 2001

By: Dahna S. Pasternak
Dahna S. Pasternak
Registration No. 41,411

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Facsimile: 650-325-7823



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Date of Deposit 24 October 2001

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Patricia K. HILMENES

Typed or Printed Name of Person Mailing Paper or Fee

Patricia K. Hilmenes

Signature of Person Mailing Paper or Fee

Application for U.S. Letters Patent Entitled

TARGETED MODIFICATION OF CHROMATIN STRUCTURE

claiming priority to 09/844,508 filed April 27, 2001, which claims the benefit of 60/200,590 filed April 28, 2000, and of 60/228,523 filed August 28, 2000.

by Inventors:

Alan P. WOLFFE
Trevor COLLINGWOOD
Andrew SNOWDEN

ROBINS & PASTERNAK LLP
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Menlo Park, CA 94025
Telephone: 650-325-7812
Facsimile: 650-325-7823

Attorney Docket No. 8325-0014.20
Client ref: S14-US2



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EXPRESS MAIL LABEL NO. 93 907 305 US
ATTORNEY DOCKET 8325-0014.20 DATE 24 October 2001

APPLICANT WOLFE et al.

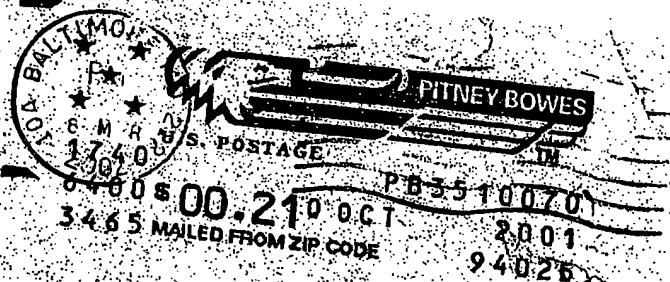
TARGETED MODIFICATION OF CHROMATIN STRUCTURE

PAPERS ENCLOSED:

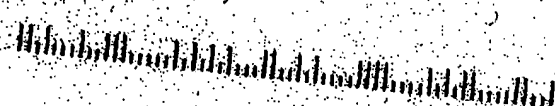
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|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> SPECIFICATION | <u>93</u> PAGES | <input type="checkbox"/> ASSIGNMENT & REC CVR SHEET |
| <input checked="" type="checkbox"/> CLAIMS | <u>7</u> PAGES | <input type="checkbox"/> CERTIFICATE OF EXPRESS MAIL |
| <input checked="" type="checkbox"/> ABSTRACT | <u>1</u> PAGES | <input type="checkbox"/> VERIFIED STATEMENT |
| <input checked="" type="checkbox"/> DRAWINGS | <u>7</u> PAGES | <input type="checkbox"/> PRELIMINARY AMENDMENT |
| <input checked="" type="checkbox"/> DECLARATION (signed) | <u>1</u> PAGES | <input type="checkbox"/> BLANKET PETITION |
| <input type="checkbox"/> FILING FEE CHECK | \$ | <input type="checkbox"/> SEQUENCE LISTING <input type="checkbox"/> DISK |
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| <input checked="" type="checkbox"/> TITLE PAGE | | <input checked="" type="checkbox"/> TRANSMITTAL; REQUEST TO USE |
| | | <input type="checkbox"/> COMPUTER-READABLE FORM |

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ATTORNEYS AT LAW
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MENLO PARK, CA 94025



COPY

Oct 24, 2001

8325-0014.20
DSP

New appln transmittal, spec, claims,
abstract, 7 drawings, unsigned decl,
title page, seq list, Request to Use Computer
Readable form..., postcard, Exp Mail EL 873 907
305 US

8325-0015.20
DSP

New appln transmittal, spec, claims
abstract, 27 drawings, unsigned decl,
title page, seq list, Request to Use Computer
Readable form..., postcard Exp Mail EL 873 907
291 US

2300-16621
RLR

New Appln transmittal, spec, claims,
abstract, 14 drawings, unsigned decl, title page,
Seq List, (paper & disk), Statement to Support...,
postcard Exp Mail EL 873 907 288 US.

2300-16621.40
RLR

PCT Transmittal, Request, spec, claims,
abstract, 14 drawings, \$2,182.00, Seq List
(paper & disk), postcard Exp EL 873 907 274 US

2302-0402

Resp to Final OA, Ext of Time, marked up
NSB current versions, Notice of Appeal, \$1,230.-
postcard 1st class

2300-0953.03
RLR

Transmittal, Req to Use Computer Readable
form..., paper Seq List, copy of PTO notice,
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inv, abstract,
13 907 2570S

5050-0058P
RLR

Provisional transmittal, spec, claims,
abstract, title page, \$160.-, postcard Exp Mail
EL 873 907 265 US

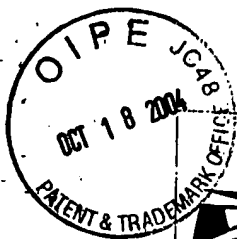
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3 907 230 US

5050-0043P
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Provisional transmittal, spec, claims,
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EL 873 907 226 US

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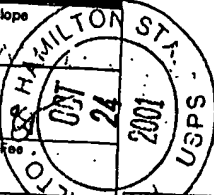
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Date In 10 24 01	<input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM	Postage \$ 16.00
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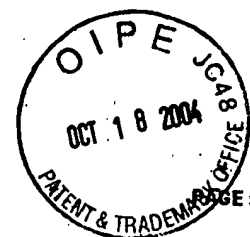


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ACCOUNT NO: 958888

PERIOD: 10/06/01 - 11/02/01

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10/24/01		EL873907305US	94301	20231		16.25					
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(A) TOTAL CHARGES :						369.45	0.00	0.00			
(B) TOTAL ADJUSTMENTS (#):						0.00	0.00	0.00			
(C) TOTAL REFUNDS (*):						0.00	0.00	0.00			
TOTAL (A + B - C):						369.45	0.00	0.00			
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ENDING BALANCE:						173.30			319.70		



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RECEIVED BY THE U.S. PATENT AND TRADEMARK OFFICE:

DOCKET NO./ATTY/ASST. 8325-0014.20/DSP/njm

TITLE	TARGETED MODIFICATION OF CHROMATIN STRUCTURE
INVENTORS	Wolffe et al.
SERIAL NO.	10/084,826
DATE MAILED	October 28, 2002
DOCUMENTS	STATUS INQUIRY AND CHANGE OF CORRESPONDENCE ADDRESS (in duplicate).

RECEIVED BY THE U.S. PATENT AND TRADEMARK OFFICE:

DOCKET NO./ATTY/ASST. 8325-0014.20/DSP/njm

TITLE	TARGETED MODIFICATION OF CHROMATIN STRUCTURE
INVENTORS	Wolffe et al.
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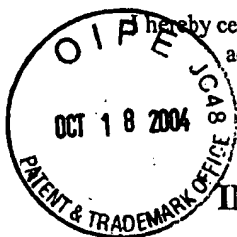


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CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8

hereby certify that these papers are being deposited with the U.S. Postal Service as first class mail with sufficient postage addressed to Commissioner for Patents, Office of Initial Patent Examination, Customer Service Center, Washington, D.C. 20231, on October 28, 2002, in Menlo Park, CA.



Agmilla

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

WOLFFE et al.

For: **TARGETED MODIFICATION OF
CHROMATIN STRUCTURE**

Serial No.: 10/084,826

Filed: October 24, 2001

Atty. Docket No.: 8325-0014.20

) Examiner: Not Assigned

) Group Art Unit: 1645

) Customer No.: 20855

) **STATUS INQUIRY AND CHANGE**
) **OF CORRESPONDENCE**
) **ADDRESS**

Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

Dear Sir:

Applicant hereby inquires into the status of the above application. Applicants filed a Request for Corrected Filing Date on March 25, 2002, however, to date, has not received a corrected Filing Receipt or other communication from the PTO in connection with this application.

Please direct all future communications regarding the above application to:

Dahna S. Pasternak
ROBINS & PASTERNAK LLP
545 Middlefield Road, Suite 180
Menlo Park, CA 94025

No fees are due with this communication. The Commissioner is authorized to charge any fees which may be required under 37 C.F.R. §1.16, §1.17, or §1.21, to Deposit Account No. 18-1648, referencing Atty. Docket No. 8325-0014.20. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By: _____

Dahna S. Pasternak

Dahna S. Pasternak

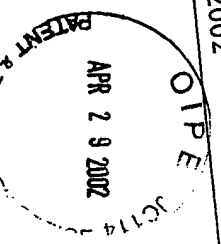
Registration No. 41,411

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545 Middlefield Road, Suite 180
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Fax: (650) 325-7823

3/25/02

ATTORNEY DOCKET 8325-0014.20 DATE 3/22/2002

Request for Corrected Filing Date
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Account Statement and postcard



PAPER: transmittal and postcard
WOLFFE et al.

INVENTOR: 10/087,902 (and 10/084,826)

SERIAL NO.: October 24, 2001

FILING DATE: RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Atty Dkt SABI-008/04US
S14-US2
PATENT

I hereby certify that this correspondence is being transmitted by facsimile addressed to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number (703) 305-3014 on April 4, 2003.


Diane Kizer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

WOLFFE, et al.

Group Art Unit: 1636

Serial No.: 10/084,826

Examiner: William O. Sandals

Filing Date: October 24, 2001

Title: TARGETED MODIFICATION OF CHROMATIN STRUCTURE

SECOND REQUEST FOR A CORRECTED FILING DATE

Office of Initial Patent Examination's Filing Receipt Corrections
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This application was originally filed October 24, 2001 under Express Mail Label No. EL 873 907 305 US. The correct filing date should be October 24, 2001 as evidenced by the following documents (previously submitted on March 25, 2002 and October 28, 2002):

1. Copy of the Application Transmittal;
2. Copy of the Application Title Page;
3. Copy of the original postcard;
4. Copy of the Docket Log for October 24, 2001;
5. Copies of the Express Mail Label and Express Mail Corporate Account

Statement; and

6. Copy of a Status Inquiry and Change Of Correspondence Address submitted on October 28, 2002.

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In view of the supporting documentation, Applicant's undersigned representative respectfully requests a Corrected Filing Receipt indicating the proper filing date of October 24, 2001.

It is believed that no fee is due. If for any reason a fee is found to be necessary, our Deposit Account No. 03-3117 may be charged therefor.

Respectfully submitted,

Date: April 4, 2003

By: Dahna S. Pasternak

Dahna S. Pasternak
Registration No. 41,411

Cooley Godward LLP
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3000 El Camino Real
Palo Alto, California 94306-2155
Phone: (650) 843-5000
Fax: (650) 857-0663